

AMENDED IN SENATE AUGUST 10, 2006

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN SENATE JUNE 13, 2006

AMENDED IN SENATE JULY 6, 2005

AMENDED IN ASSEMBLY APRIL 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 162

Introduced by Assembly Member Leslie

January 18, 2005

An act to amend Sections 17303, 17305, 81133, 81134, and 81135 of, to add Sections 81133.1 and 81133.2 to, and to add Article 3.3 (commencing with Section 17319) to Chapter 3 of Part 10.5 of, the Education Code, relating to school facilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 162, as amended, Leslie. School facilities: Department of General Services: California Community Colleges.

Existing law establishes the public school system in this state. Existing law also establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of school districts and county offices of education, as well as community college districts, and authorizes these districts to provide instruction at public elementary and secondary schools and community college campuses throughout the state.

Existing law requires the Department of General Services to supervise the design and construction of certain school buildings, including elementary and secondary schools, as well as specified community college facilities, to ensure that plans and specifications comply with specified structural safety standards and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law also requires the department to pass upon and approve or reject all plans for the construction of, and in some cases, the alteration of, any school building subject to those provisions, and to inspect the school buildings and work of construction or alteration to an extent that in its judgment is necessary or proper for the enforcement of these requirements and the protection of the safety of the students, the instructors, and the public. *Existing law requires the department to take specified action, as necessary, to expedite review of the applicant's plans.* These requirements are part of the body of law known as the Field Act.

This bill would require the department to *make a good faith effort to hire state employees, as necessary, to expedite review of the applicant's plans.* The bill would require the department to establish procedures and requirements governing the use of the collaborative process for project development and review alternative to ensure the public safety of school buildings serving kindergarten and grades 1 to 12, inclusive, as well as community college buildings, through a collaborative, consistent, and timely project development and review process. The bill would require the department, in consultation with participating school districts and community college districts, to establish mutually determined timeframe goals for a project's plan review, district and consultant response, response review, and final approval. The bill would require the timeframe goals to reflect the project's estimated construction cost, complexity, and size, and other requirements of the collaborative process for project development and review.

The bill would require the department to establish model statewide timeframe goals by February 1, 2007, and to submit a preliminary report to the Legislature by July 1, 2008, and a final report by July 1, 2009, that address whether the implementation of the collaborative process for project development and review has assisted the department, the school districts, and the community college districts in meeting their timeframe goals.

The bill would authorize the department to establish a procedure for the payment and collection of a specified filing fee that would be imposed by the department in connection with the submission of an application for the collaborative process for project development and review. The bill would authorize the department to assess a fee on a participating district to cover the unreimbursed costs of the department incurred pursuant to that district's participation in the collaborative process if the department deems the assessment of the fee to be necessary for the support of its operations and establishes a procedure for the determination, payment, and collection of the fee. The bill would authorize the proceeds of the fee to be paid into the State Treasury and credited to the continuously appropriated Public School Planning, Design, and Construction Review Revolving Fund, and thus the bill would make an appropriation.

The bill would establish alternative procedures pursuant to which the department, at its discretion, may advertise and award contracts for a qualified plan review firm ~~or a qualified construction oversight firm~~ for assistance in performing the plan review ~~and construction oversight~~ required by existing law. Under these alternative procedures, the bill would authorize the department to request statements of qualifications from interested *plan review* firms. The bill would require the department to announce the statements of qualifications through specified means, and would require those statements to describe the general scope of services to be provided within each generic project category for plan review ~~or construction oversight~~ services that the department anticipates may be awarded during the period covered by the announcement. The bill would require the department to evaluate the statements of qualifications and develop a list of qualified firms that meet certain requirements. The bill would require the department to contact firms on a rotational basis to distribute the work in a fair and equitable manner and to determine that the firm has sufficient staff and is available for the performance of the project. Upon selecting a qualified firm, the bill would require the department to negotiate a contract for the services that includes a price and timeframe that it determines to be fair and reasonable.

The bill would also make various nonsubstantive technical and conforming changes.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Current law requires the Department of General Services to
4 review and approve plans for community college and school
5 buildings serving kindergarten and grades 1 to 12, inclusive, after
6 the plans are completed by the building designers in accordance
7 with the Field Act.

8 (b) Because of the increasing complexity of building design,
9 especially seismic requirements, it is costly and time consuming
10 for building designers to change the design of a building after the
11 plans are completed.

12 (c) Returning plans after review for corrections or redesign
13 can delay the completion and use of the building.

14 (d) Early collaboration among the Department of General
15 Services, community college districts, school districts, and their
16 design professionals during critical stages of the building design
17 and project development process will facilitate the early
18 identification and resolution of technical issues, and thus reduce
19 the probability that significant changes in the building plans will
20 be required after plan review. The current project submittal and
21 plan review process established by existing law does not formally
22 accommodate, prior to design completion, this desired degree of
23 collaboration and issue resolution between these parties.

24 (e) The Legislature acknowledges that the Department of
25 General Services and the Board of Governors of the California
26 Community Colleges have entered into a memorandum of
27 understanding for the development and implementation of the
28 collaborative process for project development and review to
29 ensure the public safety of community college facilities through
30 a collaborative, consistent, and timely project development and
31 plan review process.

32 (f) This process may be made available to community college
33 districts and school districts serving kindergarten and grades 1 to
34 12, inclusive, on a voluntary basis, as an alternative to the
35 traditional plan review and approval process currently provided
36 by the Department of General Services. The collaborative
37 process for project development and review involves the early
38 and full participation of all parties involved in the development,

1 plan review, construction, and certification of facilities projects
2 on behalf of community college districts and school districts
3 serving kindergarten and grades 1 to 12, inclusive. These parties
4 include the Department of General Services staff, qualified plan
5 review firms, community college districts, school districts, and
6 their design professionals.

7 *SEC. 1.5. Section 17303 of the Education Code is amended to*
8 *read:*

9 17303. (a) The Department of General Services shall
10 establish one or more methods to ensure that each application has
11 been completed sufficiently by the applicant to enable the plan
12 review to be performed.

13 (b) Upon receipt of a complete application, the Department of
14 General Services shall inform the applicant of the period of time
15 that it anticipates to elapse prior to commencing review of the
16 applicant's plans. Within 10 days of being so notified, the
17 applicant shall make an election to either use the Department of
18 General Services for the review of the applicant's plan or, request
19 *that* the plan review be performed by one or more qualified plan
20 review firms pursuant to Sections 17305 and 17306. If the
21 applicant elects to use the services of the Department of General
22 Services for review of the applicant's plan, the department *shall*,
23 as necessary to expedite review of the applicant's plans, ~~shall~~ do
24 one or more of the following:

25 (1) Contract for assistance from one or more qualified plan
26 review firms pursuant to Section 17305.

27 (2) Employ additional staff on a temporary basis.

28 (3) Maximize the use of department staff through the use of
29 overtime or other appropriate means.

30 (4) *Make a good faith effort to hire state employees.*

31 ~~(4)~~

32 (5) Any other action determined by the department to have the
33 effect of expediting the review and approval process.

34 (c) Each application shall identify, for purposes of receiving
35 the notifications required under this subdivision, an employee of
36 the applicant school district and either the applicant's architect or
37 structural engineer. The Department of General Services
38 immediately shall notify that employee, and the identified
39 architect or structural engineer, when each of the following steps
40 in the plan review process occurs:

1 (1) The department requests the applicant's architect or
2 structural engineer to correct or complete any part of the
3 application.

4 (2) An application number is assigned to the application.

5 (3) Review of the applicant's plans is commenced.

6 (4) Review of the applicant's plans is completed and the
7 department returns the plans to the architect or structural
8 engineer for correction.

9 (5) Corrected plans are returned to the department by the
10 applicant's architect or structural engineer for final review and
11 approval.

12 (6) The department approves the plans and causes a final
13 record set of the plans to be printed in accordance with Section
14 17304.

15 (d) The Department of General Services may provide
16 additional notifications to applicants as it deems necessary.

17 SEC. 2. Section 17305 of the Education Code is amended to
18 read:

19 17305. (a) Unless the context otherwise requires, the
20 definitions set forth in this section govern the construction of this
21 article.

22 (1) "Prequalified list" means a list of qualified firms
23 established by the Department of General Services to perform
24 specific types of plan review ~~or construction oversight~~ services.

25 (2) ~~"Qualified plan review firm" or "qualified construction~~
26 ~~oversight firm"~~ means an individual, firm, or the building official
27 of a city, a county, or a city and county, as defined in Section
28 18949.27 of the Health and Safety Code, or the authorized
29 representative of the building official that is identified by the
30 Department of General Services as having appropriate expertise
31 and knowledge of the requirements that apply to school buildings
32 under this article.

33 (b) The department shall establish and maintain a list of
34 qualified plan review firms ~~and qualified construction oversight~~
35 ~~firms~~, and shall make that list available, upon request, to school
36 districts and other interested parties.

37 (c) Notwithstanding Section 14952 of the Government Code,
38 the Department of General Services shall contract with sufficient
39 numbers of qualified plan review firms ~~and qualified~~

1 ~~construction oversight firms~~ for assistance in performing the plan
2 ~~and construction oversight review~~ required under the Field Act.

3 (d) At the discretion of the Department of General Services,
4 contracts for a qualified plan review firm ~~or a qualified~~
5 ~~construction oversight firm~~ made pursuant to this article may be
6 advertised and awarded in accordance with this section.

7 (e) (1) The Department of General Services may establish
8 prequalified lists of qualified firms in accordance with this
9 subdivision.

10 (2) (A) For each type of plan review ~~or construction oversight~~
11 ~~work~~ for which the department elects to use the process
12 established by this section for advertising and awarding
13 contracts, the Department of General Services may request
14 statements of qualifications from interested firms.

15 (B) The request for statements of qualifications shall be
16 announced statewide through the California State Contracts
17 Register and publications of relevant professional societies.

18 (C) Each announcement shall describe the general scope of
19 services to be provided within each generic project category for
20 plan review ~~or construction oversight~~ services that the
21 Department of General Services anticipates may be awarded
22 during the period covered by the announcement. For the purposes
23 of this section, a generic project category shall be defined in a
24 manner that each specific project to be awarded within that
25 discipline meets all of the following requirements:

26 (i) The project is substantially similar to all other projects
27 within that discipline.

28 (ii) The project is within the same size range and geographical
29 area.

30 (iii) The project requires substantially similar skills and
31 magnitude of professional effort as compared to every other
32 project within that discipline.

33 (3) The Department of General Services shall evaluate the
34 statements of qualifications, and develop a list of qualified *plan*
35 *review* firms that meet the criteria established and published by
36 the Department of General Services. Interviews may be held to
37 determine a *plan review* firm's qualifications. Lists of qualified
38 plan review firms ~~and qualified construction oversight firms~~ shall
39 be maintained by the Department of General Services for not
40 more than four years.

1 (4) During the term of a prequalified list, as specific projects
2 are identified by the Department of General Services as being
3 eligible for contracting, the Department of General Services shall
4 contact a firm on the prequalified list, on a rotational basis, for
5 both of the following purposes:

6 (A) To distribute the work in a fair and equitable manner.

7 (B) To determine that the firm has sufficient staff and is
8 available for performance of the project.

9 (5) If the contacted firm is not available, the Department of
10 General Services shall continue to contact firms on the
11 prequalified list, on a rotational basis, until an available firm is
12 identified.

13 (6) The Department of General Services shall negotiate a
14 contract for the services with the identified firm, including a
15 price and timeframe that it determines is fair and reasonable.

16 (7) If the identified plan review firm ~~or construction oversight~~
17 ~~firm~~ is unable to negotiate a satisfactory contract with the
18 Department of General Services, the department shall terminate
19 negotiations, and shall undertake new negotiations, on a
20 rotational basis, with the next firm available for performance
21 from the prequalified list until a successful negotiation is
22 achieved. If the Department of General Services is unable to
23 negotiate a satisfactory contract with a firm on two separate
24 occasions, that firm may be removed from the prequalified list.

25 (f) Contracts for plan review ~~and construction oversight~~
26 services that the Department of General Services elects to
27 advertise and award in accordance with this section are not
28 subject to Chapter 10 (commencing with Section 4525) of
29 Division 5 of Title 1 of the Government Code.

30 SEC. 3. Article 3.3 (commencing with Section 17319) is
31 added to Chapter 3 of Part 10.5 of the Education Code, to read:

32
33 Article 3.3. Collaborative Process for Project Development
34 and Review
35

36 17319. (a) The Legislature finds and declares all of the
37 following:

38 (1) The purpose of the collaborative process for project
39 development and review is to ensure the public safety of school

1 facilities through a collaborative, consistent, and timely project
2 development and review process.

3 (2) The collaborative process for project development and
4 review may be made available, as an alternative to the traditional
5 plan review and approval process, to school districts that
6 voluntarily apply to the Department of General Services.

7 (3) This process entails the early participation of all parties
8 involved in a project from project development and continuing
9 through plan review, construction, and certification of school
10 facilities projects. These parties include the Department of
11 General Services' staff and their qualified plan review firms, and
12 school districts and their design professionals.

13 (b) The Department of General Services, in consultation with
14 the Office of Public School Construction, shall establish
15 procedures and requirements governing the use of the
16 collaborative process for project development and review
17 alternative. These procedures and requirements shall include an
18 application and selection process. Upon project selection, the
19 Department of General Services and the school district shall
20 mutually agree to the roles and responsibilities of the Department
21 of General Services, the applicant school district, and its design
22 professionals.

23 (c) As a part of the establishment of the requirements for the
24 collaborative process for project development and review, the
25 Department of General Services, in consultation with
26 participating school districts, shall establish mutually determined
27 timeframe goals for a project's plan review, district and
28 consultant response, response review, and final approval. Those
29 timeframe goals shall reflect the project's estimated construction
30 cost, complexity, size, and other requirements of the
31 collaborative process for project development and review.

32 (d) The Department of General Services shall establish model
33 statewide timeframe goals, in consultation with school districts
34 and other relevant parties, by February 1, 2007. Implementation
35 of the collaborative process for project development and review
36 with participating districts shall not negatively impact the
37 traditional plan review process with other districts.

38 (e) The Department of General Services shall submit a
39 preliminary report to the Legislature by July 1, 2008, and a final
40 report by July 1, 2009. These reports shall address whether the

1 implementation of the collaborative process for project
2 development and review has assisted the department and school
3 districts in meeting their mutually determined timeframe goals.

4 (f) Notwithstanding Section 17300, the application for the
5 collaborative process for project development and review may be
6 accompanied by a filing fee from the school district in amounts
7 determined by the Department of General Services based on the
8 estimated project cost and according to the fee schedule
9 identified in subdivisions (a) to (c), inclusive, of Section 17300.
10 The Department of General Services may establish a procedure
11 for the payment and collection of this filing fee.

12 (g) The department may assess a fee on a participating district
13 to cover the unreimbursed costs of the department incurred
14 pursuant to that district's participation in the collaborative
15 process if the department deems the assessment of the fee to be
16 necessary for the support of its operations and establishes a
17 procedure for the determination, collection, and deposit of the
18 fee.

19 (h) During project development, the school district may
20 provide input to the Department of General Services in its
21 selection of a qualified plan review firm to provide consultative
22 services to that department. Upon project submittal by the
23 applicant school district, the department shall also refer the
24 necessary project documents to the selected qualified plan review
25 firm for plan review. The department shall establish procedures
26 governing the use of this article by applicant school districts for
27 the selection of a qualified plan review firm.

28 SEC. 4. Section 81133 of the Education Code is amended to
29 read:

30 81133. (a) The Department of General Services shall pass
31 upon, and approve or reject, all plans for the construction or, if
32 the estimated cost exceeds twenty-five thousand dollars
33 (\$25,000), the alteration of any school building. To enable it to
34 do so, the governing board of each community college district
35 and any other school authority before adopting any plans for the
36 school building shall submit the plans to the Department of
37 General Services for approval, and shall pay the fees prescribed
38 in this article.

39 (b) Notwithstanding subdivision (a), where the estimated cost
40 of reconstruction or alteration of, or addition to, a school building

1 exceeds twenty-five thousand dollars (\$25,000), but does not
2 exceed one hundred thousand dollars (\$100,000), a licensed
3 structural engineer shall examine the proposed project to
4 determine if it is a nonstructural alteration or a structural
5 alteration. If he or she determines that the project is a
6 nonstructural alteration, he or she shall prepare a statement so
7 indicating. If he or she determines that the project is structural, he
8 or she shall prepare plans and specifications for the project which
9 shall be submitted to the Department of General Services for
10 review and approval. A copy of the engineer's report stating that
11 the work does not affect structural elements shall be filed with
12 the Department of General Services.

13 (c) If a licensed structural engineer submits a report to the
14 Department of General Services stating that the plans or activities
15 authorized pursuant to subdivision (b) do not involve structural
16 elements, then all of the following shall apply to that project:

17 (1) The design professional in responsible charge of the
18 project undertaken pursuant to this subdivision shall certify that
19 the plans and specifications for the project meet any applicable
20 fire and life safety standards, and do not affect the disabled
21 access requirements of Section 4450 of the Government Code,
22 and shall submit this certification to the department. The letter of
23 certification shall bear the identifying licensing stamp or seal of
24 the design professional. This provision does not preclude a
25 design professional from submitting plans and specifications to
26 the department along with the appropriate fee for review.

27 (2) Within 10 days of the completion of any project authorized
28 pursuant to subdivision (b), the school construction inspector of
29 record on the project, who is certified by the department to
30 inspect school buildings, shall certify in writing to the
31 department that the reconstruction, alteration, or addition has
32 been completed in compliance with the plans and specifications.

33 (3) The dollar amounts cited in this section shall be increased
34 on an annual basis, commencing January 1, 1999, by the
35 department according to an inflationary index governing
36 construction costs that is selected and recognized by the
37 department.

38 (4) No school district shall subdivide a project for the purpose
39 of evading the limitation on amounts cited in this section.

1 (5) Before letting any contract for any construction or
2 alteration of any school building, the written approval of the
3 plans, as to safety of design and construction, by the Department
4 of General Services, shall first be had and obtained.

5 (6) In each case the application for approval of the plans shall
6 be accompanied by the plans and full, complete, and accurate
7 specifications, and structural design computations, and estimates
8 of cost, which shall comply in every respect with any and all
9 requirements prescribed by the Department of General Services.

10 (7) (A) The application shall be accompanied by a filing fee
11 in amounts as determined by the Department of General Services
12 based on the estimated cost according to the following schedule:

13 (i) For the first one million dollars (\$1,000,000), a fee of not
14 more than 0.7 percent of the estimated cost.

15 (ii) For all costs in excess of one million dollars (\$1,000,000),
16 a fee of not more than 0.6 percent of the estimated cost.

17 (B) The minimum fee in any case shall be two hundred fifty
18 dollars (\$250). If the actual cost exceeds the estimated cost by
19 more than 5 percent, a further fee shall be paid to the Department
20 of General Services, based on the above schedule and computed
21 on the amount by which the actual cost exceeds the amount of
22 the estimated cost.

23 (8) (A) All fees collected under this article shall be paid into
24 the State Treasury and credited to the Public School Planning,
25 Design, and Construction Review Revolving Fund, and are
26 continuously appropriated, without regard to fiscal years, for the
27 use of the Department of General Services, subject to approval of
28 the Department of Finance, in carrying out this article.

29 (B) Adjustments in the amounts of the fees, as determined by
30 the Department of General Services and approved by the
31 Department of Finance, shall be made within the limits set in
32 paragraph (7) in order to maintain a reasonable working balance
33 in the fund.

34 (9) No contract for the construction or alteration of any school
35 building, made or executed by the governing board of any
36 community college district or other public board, body, or officer
37 otherwise vested with authority to make or execute this contract,
38 is valid, and no public money shall be paid for any work done
39 under this contract or for any labor or materials furnished in
40 constructing or altering the building, unless the plans,

1 specifications, and estimates comply in every particular with the
2 provisions of this article and the requirements prescribed by the
3 Department of General Services and unless the approval thereof
4 in writing has first been had and obtained from the Department of
5 General Services.

6 (d) For purposes of this section, “design professional in
7 responsible charge” or “design professional” means the licensed
8 architect, licensed structural engineer, or licensed civil engineer
9 who is responsible for the completion of the design work
10 involved with the project.

11 SEC. 5. Section 81133.1 is added to the Education Code, to
12 read:

13 81133.1. (a) The Legislature finds and declares all of the
14 following:

15 (1) The purpose of the collaborative process for project
16 development and review is to ensure the public safety of
17 community college facilities through a collaborative, consistent
18 and timely project development and review process.

19 (2) The collaborative process for project development and
20 review may be made available, as an alternative to the traditional
21 plan review and approval process, to community college districts
22 that voluntarily apply to the Department of General Services.

23 (3) This process entails the early participation of all parties
24 involved in a project from project development and continuing
25 through plan review, construction and certification of community
26 college facilities projects. These parties include, but are not
27 limited to, the Department of General Services’ staff and their
28 qualified plan review firms, and community college districts and
29 their design professionals.

30 (b) In consultation with the Board of Governors of the
31 California Community Colleges, the Department of General
32 Services shall establish procedures and requirements governing
33 the use of the collaborative process for project development and
34 review alternative. These procedures and requirements shall
35 include an application and selection process. Upon project
36 selection, the Department of General Services and the
37 community college district shall mutually agree to the roles and
38 responsibilities of the Department of General Services, the
39 applicant community college district, and its design
40 professionals.

1 (c) As a part of the establishment of the requirements for the
2 collaborative process for project development and review, the
3 Department of General Services, in consultation with
4 participating community college districts, shall establish
5 mutually determined timeframe goals for a project's plan review,
6 district and consultant response, response review, and final
7 approval. Those timeframe goals shall reflect the project's
8 estimated construction cost, complexity, size, and other
9 requirements of the collaborative process for project
10 development and review.

11 (d) The Department of General Services shall establish model
12 statewide timeframe goals, in consultation with community
13 college districts and other relevant parties, by February 1, 2007.
14 Implementation of the collaborative process for project
15 development and review with participating community college
16 districts shall not negatively impact the traditional plan review
17 process with other community college districts.

18 (e) The Department of General Services shall submit a
19 preliminary report to the Legislature by July 1, 2008, and a final
20 report by July 1, 2009. These reports shall address whether the
21 implementation of the collaborative process for project
22 development and review has assisted the department and
23 community college districts in meeting their mutually determined
24 timeframe goals.

25 (f) Notwithstanding Section 81133, the application for the
26 collaborative process for project development and review may be
27 accompanied by a filing fee from the community college district
28 in amounts determined by the Department of General Services
29 based on the estimated project cost and according to the filing fee
30 schedule identified in paragraph (7) of subdivision (c) of Section
31 81133. The Department of General Services may establish a
32 procedure for the payment and collection of this filing fee.

33 (g) The department may assess a fee on a participating district
34 to cover the unreimbursed costs of the department incurred
35 pursuant to that district's participation in the collaborative
36 process if the department deems the assessment of the fee to be
37 necessary for the support of its operations and establishes a
38 procedure for the determination, collection, and deposit of the
39 fee.

(h) During project development, the community college district may provide input to the Department of General Services in its selection of a qualified plan review firm to provide consultative services to that department. Upon project submittal by the applicant community college district, the department may also refer the necessary project documents to the selected qualified plan review firm for plan review. The department may establish procedures governing the use of this section by applicant community college districts for the selection of a qualified plan review firm.

SEC. 6. Section 81133.2 is added to the Education Code, to read:

81133.2. (a) The Department of General Services shall provide training, on an ongoing basis, to its employees and to the employees of architectural and structural engineering firms that contract with the department for the purposes of this chapter. The training shall address all phases of the plan review process established under this chapter, and shall be designed to ensure that all individuals who develop and review college building plans obtain sufficient knowledge of the rules, regulations, and standards that apply under this chapter.

(b) The department shall make the training described in subdivision (a) available to the employees of architectural and structural engineering firms that contract with applicant community college districts for the purpose of this chapter, and to any other individuals, firms, and governmental agencies that are involved in college building design, construction, or inspection, and that may benefit from the training.

(c) The department may charge a fee for training provided pursuant to this subdivision.

SEC. 6.5. Section 81134 of the Education Code is amended to read:

81134. (a) The Department of General Services shall establish one or more methods to ensure that each application has been completed sufficiently by the applicant to enable the plan review to be performed.

(b) Upon receipt of a complete application, the Department of General Services shall inform the applicant of the period of time that it anticipates to elapse prior to commencing review of the applicant's plans. Within 10 days of being so notified, the

1 applicant shall make an election to either use the Department of
2 General Services for the review of the applicant's plans or,
3 request *that* the plan review be performed by one or more
4 qualified plan review firms pursuant to Sections 81135 and
5 81136. If the applicant elects to use the services of the
6 Department of General Services for review of the applicant's
7 plans, the department shall, as necessary to expedite review of
8 the applicant's plans, do one or more of the following:

9 (1) Contract for assistance from one or more qualified plan
10 review firms pursuant to Sections 81135 and 81136.

11 (2) Employ additional staff on a temporary basis.

12 (3) Maximize the use of department staff through the use of
13 overtime or other appropriate means.

14 (4) *Make a good faith effort to hire state employees.*

15 ~~(4)~~

16 (5) Any other action determined by the department to have the
17 effect of expediting the review and approval process.

18 (c) Each application shall identify, for purposes of receiving
19 the notifications required under this subdivision, an employee of
20 the applicant community college district and either the
21 applicant's architect or structural engineer. The Department of
22 General Services immediately shall notify that employee, and the
23 identified architect or structural engineer, when each of the
24 following steps in the plan review process occurs:

25 (1) The department requests the applicant's architect or
26 structural engineer to correct or complete any part of the
27 application.

28 (2) An application number is assigned to the application.

29 (3) Review of the applicant's plans is commenced.

30 (4) Review of the applicant's plans is completed and the
31 department returns the plans to the architect or structural
32 engineer for correction.

33 (5) Corrected plans are returned to the department by the
34 applicant's architect or structural engineer for final review and
35 approval.

36 (6) The department approves the plans and causes a final
37 record set of the plans to be printed in accordance with Section
38 17304.

39 (d) The Department of General Services may provide
40 additional notifications to applicants as it deems necessary.

1 SEC. 7. Section 81135 of the Education Code is amended to
2 read:

3 81135. (a) Unless the context otherwise requires, the
4 definitions set forth in this section govern the construction of this
5 article.

6 (1) “Prequalified list” means a list of qualified firms
7 established by the Department of General Services to perform
8 specific types of plan review ~~or construction oversight~~ services.

9 (2) “Qualified plan review firm” ~~or “qualified construction~~
10 ~~oversight firm”~~ means an individual, firm, or the building official
11 of a city, county, or city and county, as defined in Section
12 18949.27 of the Health and Safety Code, or the authorized
13 representative of that building official that is identified by the
14 Department of General Services as having appropriate expertise
15 and knowledge of the requirements that apply to school buildings
16 under this article.

17 (b) The department shall establish and maintain a list of
18 qualified plan review firms ~~and qualified construction oversight~~
19 ~~firms~~, and shall make that list available, upon request, to
20 community college districts and other interested parties.

21 (c) Notwithstanding Section 14952 of the Government Code,
22 the Department of General Services shall contract with sufficient
23 numbers of qualified plan review firms ~~and qualified~~
24 ~~construction oversight firms~~ for assistance in performing the plan
25 ~~and construction oversight review~~ required under the Field Act.

26 (d) At the discretion of the Department of General Services,
27 contracts for a qualified plan review firm ~~or a qualified~~
28 ~~construction oversight firm~~ made pursuant to this article may be
29 advertised and awarded in accordance with this section.

30 (e) (1) The Department of General Services may establish
31 prequalified lists of qualified firms in accordance with this
32 subdivision.

33 (2) (A) For each type of plan review ~~or construction oversight~~
34 ~~work~~ for which the department elects to use the process
35 established by this section for advertising and awarding
36 contracts, the Department of General Services may request
37 statements of qualifications from interested firms.

38 (B) The request for statements of qualifications shall be
39 announced statewide through the California State Contracts
40 Register and publications of relevant professional societies.

(C) Each announcement shall describe the general scope of services to be provided within each generic project category for plan review—~~or construction oversight~~ services that the Department of General Services anticipates may be awarded during the period covered by the announcement. For the purposes of this section, a generic project category shall be defined in a manner that each specific project to be awarded within a respective discipline meets all of the following requirements:

(i) The project is substantially similar to all other projects within that discipline.

(ii) The project is within the same size range and geographical area.

(iii) The project requires substantially similar skills and magnitude of professional effort as compared to every other project within that discipline.

(3) The Department of General Services shall evaluate the statements of qualifications, and develop a list of qualified *plan review* firms that meet the criteria established and published by the Department of General Services. Interviews may be held to determine a firm's qualifications. Lists of qualified plan review firms—~~and construction oversight firms~~ shall be maintained by the Department of General Services for not more than four years.

(4) During the term of a prequalified list, as specific projects are identified by the Department of General Services as being eligible for contracting, the Department of General Services shall contact a firm on the prequalified list, on a rotational basis, for both of the following purposes:

(A) To distribute the work in a fair and equitable manner.

(B) To determine that the firm has sufficient staff and is available for performance of the project.

(5) If the contacted firm is not available, the Department of General Services shall continue to contact firms on the prequalified list, on a rotational basis, until an available firm is identified.

(6) The Department of General Services shall negotiate a contract for the services with the identified firm, including a price and timeframe that it determines is fair and reasonable.

(7) If the identified plan review firm—~~or construction oversight firm~~ is unable to negotiate a satisfactory contract with the Department of General Services, the department shall terminate

1 negotiations, and shall undertake negotiations, on a rotational
2 basis, with the next firm available for performance from the
3 prequalified list until a successful negotiation is achieved. If the
4 Department of General Services is unable to negotiate a
5 satisfactory contract with a firm on two separate occasions, that
6 firm may be removed from the prequalified list.

7 (f) Contracts for plan review~~—and—construction—oversight~~
8 services that the Department of General Services elects to
9 advertise and award in accordance with this section are not
10 subject to Chapter 10 (commencing with Section 4525) of
11 Division 5 of Title 1 of the Government Code.

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